

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BANK OF AMERICA, N.A.,

Plaintiff,

v.

AC TECHNOLOGY, INC., et al.,

Defendants.

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Case No.: 1:09-cv-00391

JOINT PROPOSED DISCOVERY PLAN

The parties, by and through their respective undersigned counsel, and pursuant to this Court's Scheduling Order dated May 19, 2009, hereby jointly propose the following discovery plan in this case:

1. The parties have conferred to consider claims, defenses, possibilities of a prompt settlement, trial before a magistrate judge, and to arrange for disclosures required by Rule 26(a)(1).
2. The parties agree that pursuant to Rule 26(a)(1)(D), initial disclosures shall be exchanged on June 15, 2009.
3. The parties do not wish to proceed before a United States Magistrate Judge.
4. Discovery must be completed by Friday, November 13, 2009.
5. The parties agree to use their best efforts to schedule depositions by agreement, for dates and places convenient for the witnesses and counsel.
6. The plaintiff shall designate any expert witness(es) it proposes to call, as provided in Rule 26(a)(2), no later than September 1, 2009. The defendants shall designate any expert

witness(es) they propose to call no later than October 1, 2009. Rebuttal experts and reports, if any, shall be provided no later than October 23, 2009.

7. Pursuant to Rule 26(f)(3), the parties agree that electronically stored information in all forms should be produced to the extent reasonably practical. The parties agree to address unexpected hardships to the production of electronically stored information prior to the deadline for production and attempt to resolve any related disputes in a timely fashion. The parties have agreed that assertions of inadvertent production of any privileged materials shall be made in writing to opposing counsel promptly upon the discovery of such an occurrence.

8. The parties understand and agree that the Final Pretrial Conference will be held on Thursday, November 19, 2009. The parties understand and agree that exhibit and witness lists, and a joint written stipulation of uncontested facts, must be exchanged prior to the Final Pretrial Conference.

9. Dispositive motions may be filed at any time. Non-dispositive motions shall be noticed on the earliest possible Friday, and oppositions shall be filed by the sooner of 5 p.m. on the Wednesday before the hearing or expiration of the time provided by local rules.

/s/

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